

**ORDINANCE NO. 66**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONE OAK, TEXAS PROHIBITING A PUBLIC NUISANCE IN THE CITY OF LONE OAK; DEFINING PUBLIC NUISANCES; PROVIDING PENALTIES FOR VIOLATIONS AND SETTING AN EFFECTIVE DATE .**

**WHEREAS**, the Legislature of the State of Texas has enacted Section 217.002 of the Texas Local Government Code which allows the City of Lone Oak to abate and remove a nuisance and punish by fine the person responsible for the nuisance; define and declare what constitutes a nuisance and authorize and direct the summary abatement of the nuisance; and abate in any manner the governing body considers expedient any nuisance that may injure or affect the public health or comfort.

**WHEREAS**, the City Council of the City of Lone Oak, Texas has established a definition of a public nuisance and has prohibited any person from allowing a nuisance to remain; and

**WHEREAS**, the City Council of the City of Lone Oak, Texas determines that such definition and prohibition are in the best interests of the citizens of the City of Lone Oak, Texas;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE OAK, TEXAS:**

**SECTION 1.**

(a) This section applies only to the incorporated area of Lone Oak..

(b) A person may not cause, permit, or allow a public nuisance under this section.

(c) A public nuisance is:

(1) keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle;

(2) keeping, storing, or accumulating but not limited to rubbish, including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on premises in a neighborhood unless the rubbish or object is completely enclosed in a building or is not visible from a public street;

(3) maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests;

(4) allowing weeds to grow no more than 2 foot on premises in a neighborhood if the weeds are located within 50 feet of another residence or commercial establishment;

(5) maintaining a building in a manner that is structurally unsafe or constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, disaster, damage, or abandonment or because it constitutes a fire hazard;

(6) maintaining on abandoned and unoccupied property in a neighborhood a swimming pool or cistern that is not protected with:

(A) a fence that is at least four feet high and that has a latched gate that cannot be opened by a child; or

(B) a cover over the entire swimming pool or cistern that cannot be removed by a child;

(7) maintaining a Business in a manner that constitutes a fire hazard;

(8) discarding refuse or creating a hazardous visual obstruction on:

(A) City owned land;

(B) Public right-of-way;

(C) Private owned land adjacent to public streets.

**SECTION 2.** All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of conflict only.

**SECTION 3.** That if any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Lone Oak, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

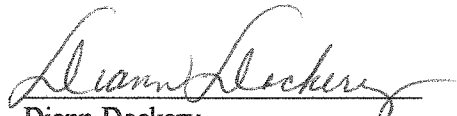
**SECTION 4.** Any person who knowingly and willfully violates any provision of this Ordinance shall upon conviction be punished by a fine of not more than two hundred dollars (\$200.00), each day that such violation is permitted to continue shall constitute a separate offense.

**SECTION 5.** This Ordinance shall be in full force and effect 20 days after its passage and approval.

**PASSED AND APPROVED**, this the 21st day of July, 2000.

  
Harold Slemmons, Mayor and President:

**ATTEST:**

  
Diann Dockery  
City Secretary